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de facto annexation of Palestinian maritime areas.



Alessandra Bajec | 18 April, 2024



During Israel's deadly war in Gaza, now in its sixth month, Tel Aviv has reportedly granted 12 licences for gas exploration off the Gaza coast to six local and foreign companies, among them the [Italian energy company Eni](#), Britain's BP, Dana Petroleum - a subsidiary of Korea National Oil Corporation - and Israeli Ratio Petroleum.

In late October, about three weeks after Israel began its military attack on Gaza, the country's Ministry of Energy announced that it had [awarded](#) new natural gas concessions in zones that, according to international law, are deemed to fall within Palestinian maritime borders.

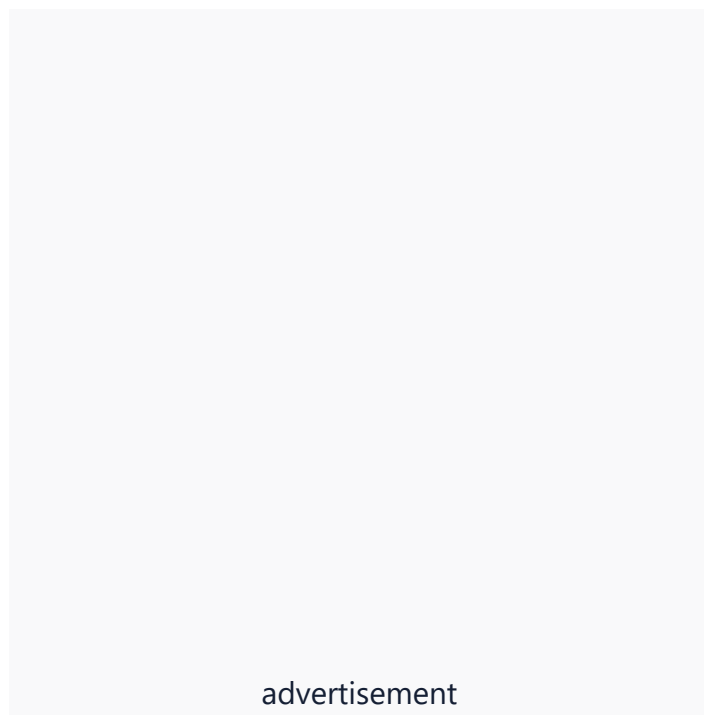
The concession areas are Zone G, adjacent to the shores of Gaza, 62 percent of which lies within Palestine's sea borders, and Zone H and E, of which 73 percent and five percent respectively are located within maritime boundaries claimed by Palestine.

"The fact that Israel continues business as usual with granting those licences goes to show the level of disregard of international law that Israel is currently in," Miriam Azem, international advocacy and communications associate at Adalah, a Palestinian-run legal centre in Israel, told *The New Arab*.

"Israel cannot legally tender licences in areas where it has no sovereign rights. Under international law, it is prohibited from exploiting natural resources of the occupied Palestinian territory for commercial purposes"

Palestine declared its maritime boundaries when it acceded in 2015 to the UN Convention on the Law of the Sea (UNCLOS). It also [provided](#) geographic coordinates

and figures of the area in 2019.



However, Israel is not a party to UNCLOS and does not recognise the State of Palestine, which gives it, as an occupying power, a pretext for not recognising Palestine's maritime borders and overriding international norms.

Israel cannot legally tender licences in areas where it has no sovereign rights. Under international law, it is prohibited from exploiting natural resources of the occupied Palestinian territory (oPt) for commercial purposes which are not for the benefit of the occupied population.

But Israeli authorities exercise full and effective control over Palestine's maritime areas, denying Gaza access to resources in its own waters. This is despite the fact that Palestinians have the right to access an area of 20 nautical miles from the enclave's coast under the Oslo Accords.

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Analysis

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"Their unilateral demarcation of areas within Palestinian maritime boundaries they claim as their own obviously clashes with Palestine's 2019 declaration," Adalah's legal director Suhad Bishara told *The New Arab*.

The lawyer also remarked how Israel has for decades adopted a “one-sided” *modus operandi* in grabbing lucrative natural resources on occupied Palestine territory. She sees the recent offshore bids as another attempt “to seize” Palestinian assets illegally.

The tendering of licenses for gas exploration came less than a year after the Israeli energy ministry launched a bid in December 2022.

Several Palestinian human rights groups have contested the new gas exploration permits as being issued in areas inside Palestinian maritime territory.



Israeli authorities exercise full and effective control over Palestine's maritime areas. [Getty]

On 5 February, Adalah sent a [letter](#) to the Israeli Minister of Energy and the Attorney General demanding the cancellation of these exploration tenders, which violate international law, and an immediate halt to any activity involving the exploitation of gas reserves in areas that belong to Palestine.

“The tenders, issued under Israeli domestic law, constitute annexation of the Palestinian maritime area under effective Israeli control, since they attempt to circumvent the norms of IHL and apply Israeli domestic law to the Palestinian maritime area in relation to the management and exploitation of natural resources,” the Haifa-based Adalah legal centre added.

Azem asserted that, besides the illegality of the gas bid under international law, gas exploration in Palestine's maritime areas infringes upon the right of the Palestinian

people to self-determination, which includes the management of its natural resources. "By acting unilaterally for its exclusive financial gains, Israel goes against the sovereignty of the Palestinians over their own resources," she said.

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"Israel has for decades adopted a 'one-sided' modus operandi in grabbing lucrative natural resources on occupied Palestine territory"

Following Adalah's statement, Al-Haq, the Al Mezan Center for Human Rights, and the Palestinian Center for Human Rights (PCHR) sent notices to Eni, Dana Petroleum, and Ratio Petroleum calling on them to refrain from carrying out any activities in the area of Zone G, over half of which lies within Palestine's claimed Exclusive Economic Zone (EEZ).

The Palestinian NGOs warned that they would use "all legal means available" if the companies proceeded with activities in contravention of international humanitarian law, including the laws of occupation.

The organisations highlighted that "the International Criminal Court currently has an active investigation open into international crimes" committed in the territory of Palestine and holds "jurisdiction to investigate and prosecute" any individual deemed

responsible for the [commission of war crimes](#).

Furthermore, they notified the companies that engaging in gas exploration in Palestine's maritime areas exposes corporate actors to individual criminal liability for being complicit in pillage.

"The emphasis on the companies' involvement in this Israeli offshore tender is key since they also have international legal obligations," Adalah's advocacy associate pointed out.

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In-depth

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On 8 February, Adalah, Al-Haq, Al Mezan, and the PCHR issued a [joint statement](#) regarding the gas exploration licences awarded off Gaza's coast.

The four rights groups announced that they had sent a letter to the Israeli energy ministry demanding that it revoke the licences granted to the companies. They also said they had sent legal notices to Eni, Dana Petroleum, and Ratio Petroleum, asking them not to undertake any activities related to the licences.

To date, the organisations have not received responses from either the Israeli government or the firms concerned by the tender. Bishara, who's handling the legal case, vowed that they will be raising the matter internationally to reiterate their demands: licenses should be revoked, any planned exploration stopped, and any more licenses should be barred for areas falling within Palestinian maritime territory.

The announcement of the awarded licences to explore for gas appears to be part of Israel's wider aim to become an energy hub exporting gas to Europe, as it moves ahead with plans to expropriate the lucrative gas reserves off its Mediterranean coast.



Israel emerged as a gas exporter when it made major offshore discoveries in the eastern Mediterranean in 2010. [Getty]

Israel has emerged as a gas exporter since it made major offshore discoveries in the eastern Mediterranean area 15 years ago. The Leviathan field, discovered in 2010 off the port city of Haifa, contains an estimated 22 trillion cubic feet of gas and is the largest natural gas reservoir in the Mediterranean. It supplies the Israeli gas market as well as Jordan and Egypt.

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In June 2022, the European Union, Israel, and Egypt signed a memorandum of understanding on regional cooperation on gas extraction that could see Tel Aviv export its natural gas to the EU for the first time.

However, these Israeli energy ambitions have been disrupted by its ongoing war in the Gaza Strip.

"Energy security and Gaza don't seem to go well together, given the security risks associated with developing gas fields off its coast," Gregory Brew, an energy analyst

at Eurasia Group, told *TNA*.

He noted that the ongoing war and heightened regional tensions will make Israel's gas drilling plans much more difficult, with international legal considerations over exploiting gas in the proximity of the Palestinian enclave.

"The situation regarding the sovereignty of the Gaza Strip is ambiguous enough that international energy companies would be wary of working with Israel next to an open war zone," Brew noted.

Alessandra Bajec is a freelance journalist currently based in Tunis.

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